

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING DIVISION**

AXIALL CORPORATION	)	CIVIL ACTION NO. 5:20-CV-117
	)	
Plaintiff/Counterclaim Defendant,	)	
	)	JUDGE BAILEY
v.	)	
	)	
INTERNATIONAL CHEMICAL WORKERS	)	
UNION COUNCIL OF THE UNITED FOOD	)	
AND COMMERCIAL WORKERS and	)	
INTERNATIONAL CHEMICAL WORKERS	)	<b><u>UNIONS' MOTION FOR</u></b>
UNION COUNCIL OF THE UNITED FOOD	)	<b><u>SUMMARY JUDGMENT</u></b>
AND COMMERCIAL WORKERS, LOCAL	)	
UNION NO. 45C,	)	
	)	
Defendants/Counterclaim Plaintiffs.	)	

Now come the Defendants/Counterclaim Plaintiffs, the International Chemical Workers Union Council/UFCW and the International Chemical Workers Union Council/UFCW, Local 45C (collectively, the "Unions"), by and through the undersigned counsel, and hereby move for summary judgment in their favor on the Complaint and the Counterclaim in the above-captioned matter for the reasons and as more fully set forth in the accompanying memorandum in support of this motion, which is incorporated herein by reference.

Alternatively, the Unions move that this Court confirm and enforce the Arbitrator's reinstatement, benefits and all other remedies, except for remanding, if necessary, to an arbitrator chosen by the parties, Arbitrator Dunn's back-pay order for the sole purpose of clarifying the time period during which back pay and benefits are due and owing.

Respectfully submitted,

/s/ Timothy F. Cogan, Esq.

Timothy F. Cogan, Esq. (WVSB# 764)  
CASSIDY, COGAN, SHAPELL  
& VOEGELIN, L.C.  
1413 Eoff Street  
Wheeling, WV 26003  
T: 304-232-8100  
F: 304-232-8200  
[tfc@walslaw.com](mailto:tfc@walslaw.com)

/s/ Randall Vehar, Esq.

Randall Vehar, Esq. (OH Bar No. 8177)  
UFCW Assistant General Counsel  
ICWUC/UFCW Legal Dept., 6th floor  
1655 W. Market Street  
Akron, OH 44313  
330/926-1444 Ext. 115  
330/926-0950 Fax  
[rvehar@ufcw.org](mailto:rvehar@ufcw.org)  
*Pro Hac Vice*

/s/ Danielle L. Murphy, Esq.

Danielle L. Murphy, Esq. (OH Bar No. 85034)  
UFCW Assistant General Counsel  
ICWUC/UFCW Legal Dept., 6th floor  
1655 W. Market Street  
Akron, OH 44313  
330/926-1444 Ext. 138  
330/926-0950 Fax  
[dmurphy@icwuc.org](mailto:dmurphy@icwuc.org)  
*Pro Hac Vice*

*Counsel for Defendants/  
Counterclaim Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of December, 2020, I electronically filed "Unions' Motion for Summary Judgment" with the Clerk of the Court using CM/ECF system, which will send notification of such filing to the following:

C. David Morrison (WV ID #2643)  
[David.Morrison@steptoe-johnson.com](mailto:David.Morrison@steptoe-johnson.com)  
Jeffrey M. Cropp (WV ID #8030)  
[Jeffrey.Cropp@steptoe-johnson.com](mailto:Jeffrey.Cropp@steptoe-johnson.com)  
STEPTOE & JOHNSON PLLC  
OF COUNSEL  
400 White Oaks Boulevard  
Bridgeport, WV 26330  
(304) 933-8000

*Counsel for Axiall Corporation*

\_\_\_\_\_  
/s/ Timothy F. Cogan, Esq.  
Timothy F. Cogan, Esq.